

FILED

DEC 22 2005

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

THOMAS LEE MORRIS, a minor child;
ELIZABETH S. MORRIS; ROLAND J.
MORRIS, SR., his guardians and natural
parents,

Plaintiffs - Appellants,

v.

TANNER, Judge, Judge of the
Confederated Salish and Kootnnai Indian
Tribal Court for the Flathead Reservation,

Defendant - Appellee,

UNITED STATES OF AMERICA,

Defendant-intervenor - Appellee.

No. 03-35922

DC No. CV 99-0082-DWM
D. Mont.

ORDER

Before: FERNANDEZ, TASHIMA, and GOULD, Circuit Judges.

The Memorandum filed August 25, 2005, and appearing at 141 Fed. Appx. 696, is withdrawn and replaced by the Amended Memorandum filed concurrently with this order.

With the filing of the Amended Memorandum, the panel has voted to deny the petition for panel rehearing. Judge Gould votes to deny the petition for rehearing en banc and Judges Fernandez and Tashima so recommend. The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on en banc rehearing. *See* Fed. R. App. P. 35(f).

The petition for panel rehearing and the petition for rehearing en banc are denied. No further petitions for rehearing or rehearing en banc will be entertained.